

REMARKS/ARGUMENTS

By this Amendment, Applicants respond to the Office Action dated January 29, 2004 ("the Office Action"), in which claims 1-11, 13-24, and 26-28 were rejected. Claims 12 and 25 were previously canceled. In this Amendment, claims 19-24 and 26-27 are amended, and no further claims are canceled. Accordingly, claims 1-11, 13-24, and 26-28 are now pending.

103 Rejections

The Office Action rejected claims 1-11, 13-24, and 26-28 under 35 U.S.C. 103(a) as being unpatentable over Beser (U.S. 6,170,061) in view of Mashayekhi (U.S. 5,818,936).

Applicant respectfully submits that Claims 1, 14, and 19 are allowable over the art of record for at least the reasons described herein. In particular, Applicant respectfully disagrees with a key characterization regarding Beser made in Paragraph 2.1 of the Office Action:

"As per Claims 1, 14, 19, [Beser] discloses that
[1] receiving data from a network application program interface (API) (Col. 35, lines 23-25);
[2] determining if the data is eligible for a security operation, wherein eligibility is determined by selector data contained in the data (Col. 22 Lines 50-52) . . ."

[Note: numbering of these phrases has been added by Applicant for clarity]

First, with regard to phrase [2] above, it could not be found in the cited portion of Beser (Col. 22, Lines 50-52) where there is any determination of whether "the

data is eligible for a security operation.” Instead, the cited passage at Col. 22, Lines 50-52 of Beser reads, in full, as follows:

“CMTS 12 examines DHCP 66 yiaddr-field 126 and DHCP 66 chaddr-field 132 in the DHCPOFFER messages. DHCP 66 yiaddr-field 126 contains an IP 54 address for a network host IP 54 interface available on CMTS 12 and used for receiving IP 54 data packets from data network 28 for CM 16.”

As understood, the above passage simply relates to address resolution for the network host interfaces according to the well-known DHCP protocol (Dynamic Host Configuration Protocol). The DHCP protocol relates to automatic assignment of IP addresses; Beser’s yiaddr-field relates to an IP address for that assignment process; and Beser’s chaddr-field relates to a MAC address for that assignment process (see col. 22 at Table 9). It cannot be understood how such functionality represents a “determining whether the data is eligible for a security operation” as recited in Claim 1.

Notably, “the data” referenced in Claim 1 refers to a datagram supplied by a network application program interface. In one preferred embodiment, the datagram might contain time-sensitive media data, such as a movie or a song, that is intended for UDP encapsulation and transmission across a network according to the IP protocol. It is important that this datagram be sent in a time-efficient manner (hence the UDP protocol) and, if desired, securely without requiring an overhead-intensive network-layer IPsec protocol installation. According to the present invention as recited in Claim 1, the data received from the network application program interface (API) is itself used to determine whether a security operation is called for on that

data ("determining if the data is eligible for a security operation"), and the security operation is performed only if that data is indeed eligible ("applying the security operation to the data if the data is eligible"). The data might, or might not, be eligible for the security operation, and time is saved by affirming that security operations are called for before they are performed, and by performing the security operations only if they are called for. Thus, a system operating according to Claim 1 enjoys an efficient security scheme that is particularly suitable in time-sensitive media transfer environments, although this explanation should not be construed to narrow the scope of the claimed invention to such particular environment.

In phrase [1] above, the Office Action identifies the "data from a network application program interface" as being found at col. 35, lines 23-25, which reads "CMTS 12 receives a registration request message from CM 16 created with methods 336, 352, and/or 368". Accordingly, the Office Action indicates that Beser's "registration request message" corresponds to "the data" as recited in Claim 1. However, even under a presumption that Beser's DHCP functionality discussed at Col. 22, lines 50-52 somehow represents a security operation eligibility determination (which is not conceded here), it would be required for those DHCP functions to operate on the "registration request message" in order for phrase [2] to be applicable. It is readily seen that this is not the case, because those DHCP operations are performed on a DHCPACK message (col. 22, line 46), not the "registration request message" previously cited.

In summary, the above paragraphs explain that Beser does not teach “determining if the data is eligible for a security operation,” where that data was received “from a network application program interface (API)” as recited in Claim 1. For at least this reason, and regardless of whether the secondary reference, Mashayekhi, teaches the functionality recited in the Office Action and/or could even be properly combined with Beser, it is respectfully submitted that Claim 1 is allowable over the cited references. It is submitted that there are other sound reasons why the cited references, alone or in combination, are not applicable to the present invention as recited in Claim 1, but they need not be discussed here due to the failure of Beser to teach the claims invention as set forth above.

With regard to independent claims 19 and 27, the Office Action referenced the same paragraphs of Beser (Col. 35, lines 23-25 and Col. 22 Lines 50-52) as representing the same claim elements discussed above (“receiving data from a network application program interface (API)” and “determining if the data is eligible for a security operation”, respectively). Accordingly, for reasons similar to those given above, it is respectfully submitted that Claims 19 and 27 are allowable over the cited references. It is submitted that each of the pending dependent claims depending from claims 1, 19, and 27 is allowable as depending from an allowable base claim.

With regard to independent claims 6, 14, and 28, the Office Action again referenced the same paragraphs of Beser (Col. 35, lines 23-25 and Col. 22 Lines 50-52), except that the first referenced passage was indicated to represent “receiving data from a network protocol layer” instead of “receiving data from a

network application program interface (API)". Once again, however, even under a presumption that Beser's DHCP functionality discussed at Col. 22, lines 50-52 somehow represents a security operation eligibility determination (which is not conceded here), it would be required that those DHCP functions operate on the "registration request message" in order to be applicable to any of Claims 6, 14, or 28. For at least this reason, and regardless of whether the secondary reference, Mashayekhi, teaches the functionality recited in the Office Action and/or could even be properly combined with Beser, it is respectfully submitted that Claims 6, 14, and 28 are allowable over the cited references.

It is submitted that there are other sound reasons why the cited references, alone or in combination, are not applicable to the present invention as recited in Claims 6, 14, and 28, but again, they need not be discussed here. It is submitted that each of the pending dependent claims depending from claims 6, 14, and 28 is allowable as depending from an allowable base claim.

Miscellaneous Corrections

Claims 19-24 and 26-27 have been amended for miscellaneous reasons unrelated to patentability. Claim 19 has been amended to recite "a" instead of "the" prior to the first occurrence of "security association." The preambles of Claims 20-24 and 26 have been amended to correct inadvertent errors introduced by the Preliminary Amendment dated October 6, 2003 (the "Preliminary Amendment"). In particular, the Preliminary Amendment had inadvertently omitted "storage" in the preambles of claims 20-24 and had recited "method of claim 6" instead of "machine readable storage medium of claim 19" in the preamble of claim 26. Claim 27 has

been amended to remove a second occurrence of the clause "apply the security operation to the data if the data is eligible" that was inadvertently added in the Preliminary Amendment.

CONCLUSION

In view of the foregoing remarks, Applicants submit that this claimed invention is allowable over the references cited against this application. Applicants therefore request the entry of this Amendment, reconsideration and reexamination of the application, and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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